

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:18-CV-00179-BO

Donna England,

Plaintiff,

v.

**Wilmington Plastic Surgery, P.A. f/k/a
Wilmington Plastic Surgery
Specialists, P.A.,**

Defendant.

Order

Defendant Wilmington Plastic Surgery, P.A. has asked the court to compel Plaintiff Donna England to respond to discovery requests. It also asks the court to require England to pay the costs Wilmington Plastic Surgery incurred as part of the continuation of England's deposition. It is necessary to resume England's deposition because she revealed at the deposition that she had not produced all the document Wilmington Plastic Surgery sought in its discovery requests. The court held a hearing on the motion in Wilmington, North Carolina on November 7, 2019 and has held telephonic hearings since then to discuss this motion and other matters.

The court has reviewed the submission by the parties and the arguments made at the hearings. The court will grant the motion to compel because it appears that England has failed to fully respond to the discovery requests.

In a contemporaneously filed order, the court is staying this matter until a new or additional attorney appears on England's behalf. Thus, the deadline to provide responsive documents will run from the date of appearance of that new or additional attorney.

Thus the court orders that:

1. The motion to compel is granted. England must respond completely to Wilmington Plastic Surgery's Interrogatories and Request for Production of Documents no later than 30 days after the appearance of new or additional counsel for England.

2. Wilmington Plastic Surgery may depose England again on a mutually agreeable date and time within 60 days after the appearance of new or additional counsel for England. The parties may not conduct any other discovery may without an agreement by parties or an order from the court.

3. The deadline to file dispositive motions and conduct mediation is 90 days after the appearance of new or additional counsel for England.

4. Defense counsel must provide a copy of this order to the new or additional counsel within 3 days of their appearance.

5. Given the circumstances of this case and Plaintiffs' counsel's medical issues an imposition of costs and expenses would be unjust. Thus, each party will bear their own costs.

6. If England or her counsel fail to comply with this order, the court may impose sanctions, which may include dismissing this action.

Dated: January 6, 2020

A handwritten signature in black ink, reading "Robert T. Numbers II". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Robert T. Numbers, II
United States Magistrate Judge